

Provider Manual

Part 4 – Cancellation of Approvals

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Part 4 – Cancellation of Approvals

Overview

About this part	This part of the Provider Manual sets out the approach and processes followed by the Ministry of Justice ('the Ministry') for cancelling a provider's approval to provide legal aid or specified legal services.
Definition	Cancellation of a provider's approval means that the provider is no longer approved to provide legal services in one or more areas of law that they were approved in. The provider must cease providing legal services at the effective date of cancellation.
References	References to 'the Act', 'regulations' or legislative provisions refer to the Legal Services Act 2011 and Legal Services (Quality Assurance) Regulations 2011. Any other Act mentioned is named in full.
Transitional provisions on cancellation or temporary suspension	<p>If a provider was temporarily suspended or cancelled under section 72A or 73 of the Legal Services Act 2000, the temporary suspension or cancellation still applies to that approval under the Legal Services Act 2011.</p> <p>Reference: Section 135(4)</p>
Contractual dispute process not applicable	The contractual dispute process in a provider's contract for services relates to contractual disputes only. It is subservient to the statutory process for cancellations, and therefore does not apply to the cancellation process.
Cancellation types	<p>There are two types of cancellations:</p> <ul style="list-style-type: none">• administrative cancellations, which result from administrative non-compliance, and• quality and service cancellations, which result from issues with the quality and service a provider is providing to a legal aid client on behalf of the Ministry.

Continued on next page

Overview, Continued

Referral to cancellation process

The Ministry may refer very serious matters directly to the cancellation process. Otherwise a provider may be referred to the cancellation process as a result of the following:

- complaints management process
- audit process
- assurance checking process, or
- decisions of other bodies, for example the New Zealand Law Society.

Reference: Sections 79(3), 102 and 103

Guiding principles

The Ministry conducts its cancellation process according to the principles of natural justice (fairness, transparency and consistency).

The Ministry will assess information and provide decisions in a timely manner.

In this part

This part contains the following chapters and appendix:

Chapter	Title
1	Administrative Cancellation
2	Quality and Service Cancellation
3	The Cancellation Process
4	Effects of Secretary's Decision to Cancel Approvals
5	Review of Secretary's Decision to Cancel Approvals
Appendix	Glossary

Chapter 1 – Administrative Cancellation

Grounds for Administrative Cancellation

About this chapter

This chapter outlines the grounds for administrative cancellation.

Definition

Administrative cancellations are cancellations that result from administrative non-compliance by approved providers.

No practising certificate

The Ministry must cancel a provider's approval if:

- the provider's practising certificate has expired, or
- the provider is no longer entitled to hold a practising certificate.

Reference: Section 103(1)(d)

Approval given by mistake

The Secretary must cancel a provider's approval if the Ministry has granted an approval by mistake.

Reference: Section 103(1)(f)

Failure to meet approval criteria

A provider's approval may be cancelled if the provider fails to meet the Ministry's criteria for approval in the Act and regulations, including:

- criteria for approval, including any specific criteria for approval in a given area of law, and
- compliance with relevant legislation, contract for services, and the Ministry's policies and procedures.

Important: Providers have an ongoing duty to comply with the Ministry's criteria for approval.

Chapter 2 – Quality and Service Cancellation

Overview

About this chapter

This chapter outlines the grounds for quality and service cancellations.

Definition

Quality and service cancellations are cancellations that result from issues with the quality and service a provider is providing or has provided to a legal aid client on behalf of the Ministry.

Legal references

The table below lists the sections of the Act that form the legislative basis for quality and service cancellations.

Section	Title
75	No person may provide legal aid service or specified legal service unless approved
79	Performance review committee
82	Review of decisions of Secretary regarding approvals
102	Sanctions that may be imposed by Secretary
103	Cancellation
105	Providers not to take unauthorised payments
107	Providers to protect Commissioner's interests in relation to charges and proceeds of proceedings
111	Misrepresentation, etc
112	Offences in relation to applications for approval
113	Offences in relation to examination and audit

In this chapter

This chapter contains the following topics:

Topic	See Page
When Secretary Must Cancel Approval: Quality and Service	2-2
When Secretary May Cancel Approval: Quality and Service	2-3

When Secretary Must Cancel Approval: Quality and Service

Introduction This topic describes the circumstances where the Secretary must cancel a provider's approval under the legislation.

Misleading representation The Secretary must cancel a provider's approval if the provider has given false or misleading information in an application that:

- has led the Ministry to grant an approval, or
- resulted in more favourable conditions than would otherwise have been imposed on the provider's approval.

Reference: Section 103(1)(a)

Unfit to practise If a provider is convicted of an offence punishable by imprisonment, the Secretary must cancel the provider's approval if the conviction:

- reflects on the provider's fitness to practise, or
- tends to bring the provider's profession into disrepute.

Reference: Section 103(1)(b)

Unauthorised payments If a provider takes unauthorised payments from a legally aided person in relation to a legal aid matter, the Secretary must cancel the provider's approval.

Reference: Section 103(1)(c) and 105

Disciplinary Tribunal orders The Secretary must cancel a provider's approval if the New Zealand Lawyers and Conveyancers Disciplinary Tribunal has:

- struck the provider off the roll
- suspended the provider from practice, or
- terminated the practitioner's employment or prohibited the provider from employment by any practitioner or incorporated firm.

Reference:

- Section 103(1)(e)
 - Lawyers and Conveyancers Act 2006, section 242(1)
-

When Secretary May Cancel Approval: Quality and Service

Introduction

This topic describes the circumstances under which the Secretary may cancel a provider's approval.

Non-compliance with provisions of Act and regulations

The Secretary may cancel a provider's approval if:

- the provider has failed to comply with any provisions of the Act or regulations, and
- the provider's failure, if proven, would justify cancellation or modification of the provider's approval.

Reference: Sections 79(3) and 102

Breaches of acceptable standards

The Secretary may cancel a provider's approval if the provider breaches acceptable standards, and the Secretary considers that the provider's failure, if proven, justifies cancellation. Breaches of acceptable standards include significant breaches of obligations or a history of significant breaches identifiable through:

- complaints management
- auditing, or
- quality assurance checks.

Reference: Sections 79(3) and 102

Non-compliance with conditions

The Secretary may cancel a provider's approval if the Secretary reasonably believes that the provider has failed to comply with any conditions of his or her approval.

Reference: Section 79(3)

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When Secretary May Cancel Approval: Quality and Service, Continued

Provider Payment Regulations

A claim for payment for legal aid services must be made for each day that the services are provided, unless the services are subject to a fixed fee arrangement, in which case the claim must be made for services that are completed in accordance with the fixed fee arrangement.

In addition, a claim for payment for legal aid services must be made to the Secretary within three months after the day that the services are provided or, in the case of a fixed fee arrangement, completed.

Failure to comply with obligations under the Provider Payment Regulations may lead to cancellation of a provider's approval.

Reference:

- Sections 79(3), 98 and 102
 - Regulation 19 of the Legal Services Regulations 2011 (SR 2011/144)
-

Charges and proceeds of proceedings

Providers must protect the Commissioner's interests in relation to charges and proceeds of proceedings. Providers' obligations include the following:

- taking all reasonable steps to protect the interests of the Commissioner under a charge in favour of the Commissioner in accordance with conditions on grants of legal aid or charges on proceeds of proceedings
- not doing anything that might affect the transfer of property subject to a charge in favour of the Commissioner, and
- advising the Commissioner if an aided person has avoided or tries to avoid making payments to the Commissioner from proceeds of proceedings.

Failure to comply with these obligations may result in cancellation of a provider's approval and/or a deduction from any money owing to the provider.

Reference: Sections 18(3), 36, 79(3), 102 and 107

Chapter 3 – Cancellation Process

Overview

About this chapter

This chapter describes:

- the process the Ministry follows to assess and decide on cancellation matters
 - interim restrictions that may be imposed by the Secretary on a provider while the provider's performance is being investigated, and
 - the provider's opportunities to:
 - have input into the process, and
 - seek a review of a cancellation decision.
-

Legal references

The table below lists the sections of the Act that govern the cancellation process.

Section	Title
79	Performance review committee
82	Review of decisions of Secretary regarding approvals
84	Review Authority established
85	Function of Review Authority
86	Decisions of Review Authority
101	Interim restrictions may be imposed by Secretary
102	Sanctions that may be imposed by Secretary
103	Cancellation
109	Disclosure of privileged communications under section 92 or 96

The table below lists the regulations that govern Performance Review Committees.

Regulation	Title
19	Recommendation of Performance Review Committee
20	Confidentiality
21	Chairperson
22	Meetings of Performance Review Committee
24	Quorum
25	Conflicts of Interest

Overview, Continued

In this chapter This chapter contains the following topics:

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Referral and Notification	3-6
Performance Review Committee	3-8
Interim Restrictions	3-11
Assessment and Recommendation	3-12
Decision and Notification	3-13

Stages of the Cancellation Process

Responsibilities All cancellation matters are referred to the Secretary for Justice for a decision.

The Secretary must establish a Performance Review Committee and may refer cancellation matters to the Committee under particular circumstances.

The Committee assesses the performance of a provider and advises the Secretary of its recommendations (see the topic [Performance Review Committee](#) later in this chapter).

Stages The three stages of the cancellation process are described in the table below.

Stage	Description
1	Referral and Notification During this stage: <ul style="list-style-type: none">• the Ministry refers provider performance matter to the Secretary• the Secretary decides whether to refer the matter to the Performance Review Committee, and• the Ministry notifies the provider of referral to the cancellation process.
2	Assessment and Recommendation During this stage: <ul style="list-style-type: none">• the Provider decides whether to make a submission• the Secretary or Performance Review Committee assess the matter and any submission, and• the Performance Review Committee makes a recommendation.
3	Decision and Notification During this stage: <ul style="list-style-type: none">• the Secretary makes a decision, and• the Ministry notifies the provider of the decision.

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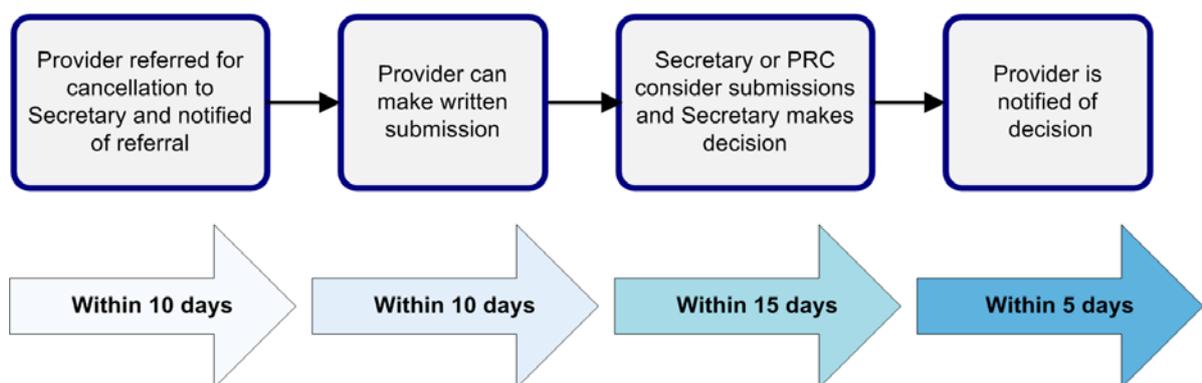
Stages of the Cancellation Process, Continued

Timeframe for quality and service cancellations

The Ministry's timeframe for managing quality and service cancellations is shown in the table below.

Timeframe	Action(s) taken
within 10 working days of completing the investigation or assessment	Ministry staff refer a provider for cancellation to the Secretary and notify the provider of the referral.
within 10 working days of receiving notification from the Ministry	Once a provider is notified that cancellation is being considered, the provider has 10 working days to make a written submission. Note: This timeframe may be extended if a provider is overseas or unable to meet the timeframes due to work commitments.
within 15 working days of receiving submissions from the provider	<ul style="list-style-type: none"> The Secretary or the Performance Review Committee considers submissions and the committee makes its recommendation. The Secretary makes a decision including setting a date that cancellation takes effect.
within five working days of making a decision	The Ministry notifies the provider of the decision. Note: The notification states that the provider has 20 working days to seek a review of the decision.

The diagram below illustrates the above timeframes.



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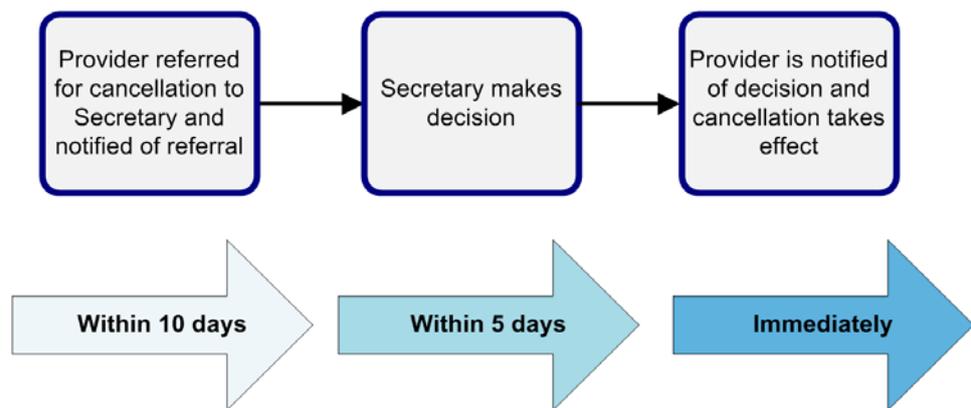
Stages of the Cancellation Process, Continued

Timeframe for administrative cancellations

The timeframe for administrative cancellations is as follows:

Timeframe	Action(s) taken
within 10 working days of completing the investigation or assessment	Ministry staff refer a provider for cancellation to the Secretary and notify the provider of the referral.
within five working days of receiving the referral from Ministry staff	The Secretary makes a decision.
immediately once the Secretary makes a decision	The Ministry notifies the provider of the decision and implements the cancellation. Note: The notification states that the provider has 20 working days to seek a review of the decision.

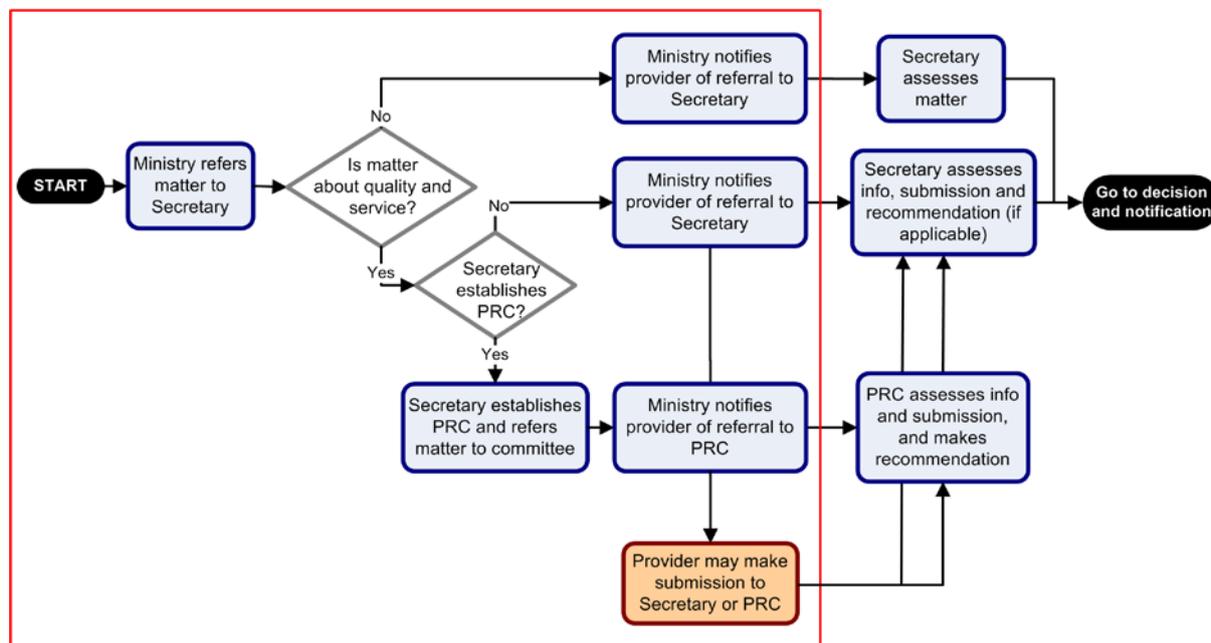
The diagram below illustrates the above timeframes.



Referral and Notification

Diagram

The part of the diagram below outlined in red illustrates the first stage of the cancellation process, referral and notification.



Referral to the Secretary

A Ministry adviser collates all available information that relates to a potential cancellation, including the following:

- information on the provider file and Ministry's submissions
- information on the Complaints Register
- information on legal aid grants files
- all correspondence in respect of the matter
- any relevant audits, and
- any information from the New Zealand Law Society.

The adviser then prepares a memorandum for the Secretary. The memorandum outlines all the relevant information relating to a provider's potential breach of legislative, contractual or professional obligations.

Continued on next page

Referral and Notification, Continued

Referral to the Performance Review Committee

The Secretary may refer the matter to the Performance Review Committee for assessment and assistance with decision-making.

For more information about the committee, see the topic [Performance Review Committee](#) on the following pages.

Note: Administrative cancellation matters are not referred to the Performance Review Committee.

Notification of provider

The Ministry notifies the provider of the referral to the Secretary or the Performance Review Committee for cancellation consideration. The notification advises the provider of:

- the reasons why cancellation is being considered, and
 - for quality and service cancellations, the right to make a written submission within 10 working days.
-

Submission

In the written submission, providers should outline why their approval should not be cancelled.

Note: Providers cannot make a submission in administrative cancellation matters.

Performance Review Committee

Legislative basis

The Performance Review Committee is an independent advisory body to the Secretary for Justice.

The table below shows the legislative and regulatory provisions that set out the purpose and function of the Performance Review Committee.

Legal Services Act 2011	
Section	Title
79	Performance review committee
Legal Services Act (Quality Assurance) Regulations 2011	
Regulation	Title
19	Recommendation of Performance Review Committee
20	Confidentiality
21	Chairperson
22	Meetings of Performance Review Committee
24	Quorum
25	Conflicts of Interest

Referrals to the Committee

The Secretary may refer a cancellation matter to the Performance Review Committee if the Secretary:

- believes a provider has failed to comply with any legislative obligations or with condition of his or her approval, and
- considers that the provider's failure, if proven, justifies cancellation or modification of the provider's approval.

The Secretary may also impose interim restrictions on a provider if the provider's performance is being investigated by the Performance Review Committee and the Secretary considers it necessary or appropriate to do so.

Reference: Sections 79 and 101

Function of the Committee

The function of the Performance Review Committee is to assess any matter referred to the Committee by the Secretary relating to the performance of a provider. The Committee makes a recommendation to assist the Secretary's decision-making.

Reference: Section 79(2)

Continued on next page

Performance Review Committee, Continued

Guiding principles for the Committee

The Performance Review Committee exercises its functions in line with:

- the provisions of the Act
 - any regulations or rules made under the Act and regulations, and
 - the requirements of natural justice.
-

Performance Review Committee members

The Secretary must appoint the members of the Performance Review Committee. Members must meet the following requirements:

Role	Requirements
Committee chair	Minimum of seven years' legal experience.
Committee members	Must collectively: <ul style="list-style-type: none">• have expertise in the areas of law in which the provider is providing legal aid services• understand the needs and interests of courts, aided persons and the legal profession, and• have expertise in financial management in the state sector.

Reference: Section 79(6)

Meetings of the Performance Review Committee

The chair of the Performance Review Committee convenes meetings and determines the conduct of proceedings. Meetings may be held:

- by the members being assembled at an appointed time and place, or
- by means of audio, audio and visual, or electronic communication.

Reference: Regulation 22

Conflicts of interest

Performance Review Committee members must let the Committee chair know if they have a conflict of interest with any provider. A member must step aside if the chair determines the member may not be impartial.

The Committee chair must declare any potential conflict of interest with a provider and step aside if the conflict means he or she may not be impartial.

Reference: Regulation 25

Continued on next page

Performance Review Committee, Continued

- Confidentiality** The Performance Review Committee must keep confidential all information provided or disclosed to it except where disclosure is:
- required to allow the committee to carry out its duties and obligations, or
 - necessary by law.

Reference: Regulation 20

Quorum The quorum for the Performance Review Committee is three members.

Reference: Regulation 24

Performance Review Committee recommendations Where the Secretary has referred a matter to be investigated to the Performance Review Committee, the recommendation by the Performance Review Committee must be

- supported by a majority of the votes cast at a meeting, and
- documented in writing for the Secretary.

Reference: Regulation 19

Interim Restrictions

Introduction

The Secretary may impose interim restrictions on a provider if the provider's performance is being investigated by the Performance Review Committee and the Secretary considers it necessary or appropriate to do so.

Reference: Section 101

Scope of interim restrictions

The Secretary may:

- place a hold on any payments to be made to the provider that relate to the matter being investigated, and
- notify the Legal Services Commissioner of the pending investigation by the Performance Review Committee.

Reference: Section 101(2)

Reassignment of legal aid cases

Where notified by the Secretary, the Legal Services Commissioner must cease assigning the provider under investigation to aided persons, and assign another provider to the aided persons that the provider is currently assigned to.

Reference: Section 101(3)

Approval not affected

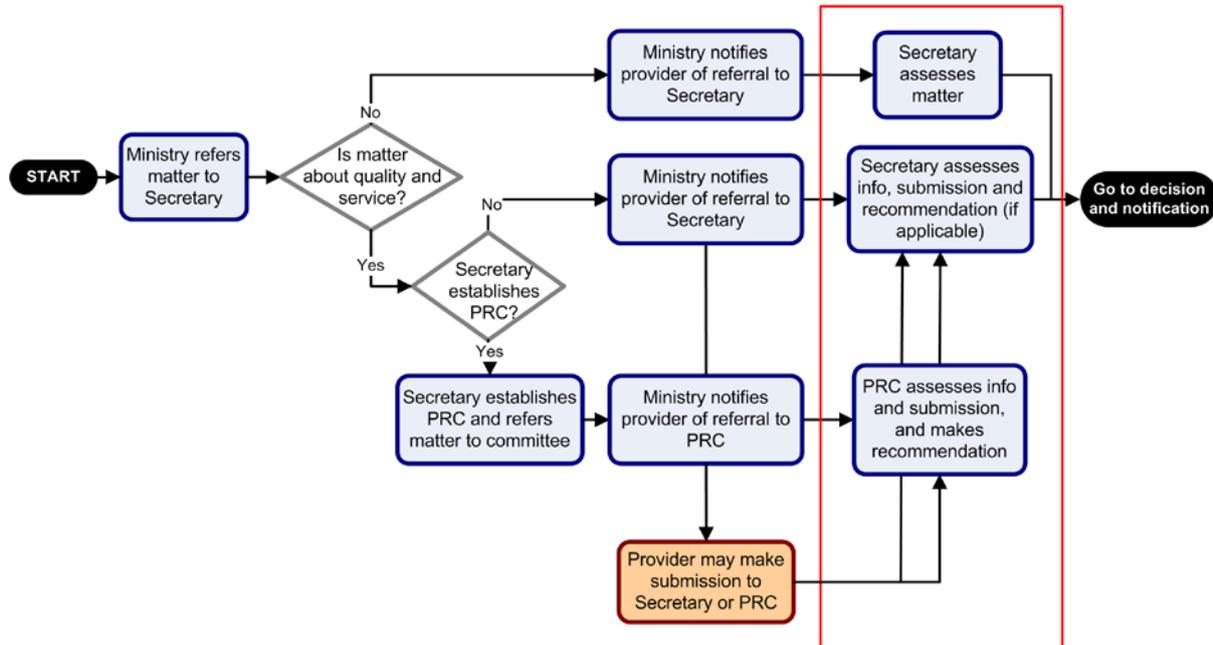
A provider's approval to provide legal aid services or specified legal services is not affected by any interim restrictions.

Reference: Section 101(4)

Assessment and Recommendation

Diagram

The part of the diagram below outlined in red illustrates the second stage of the cancellation process, assessment and recommendation.



Information considered

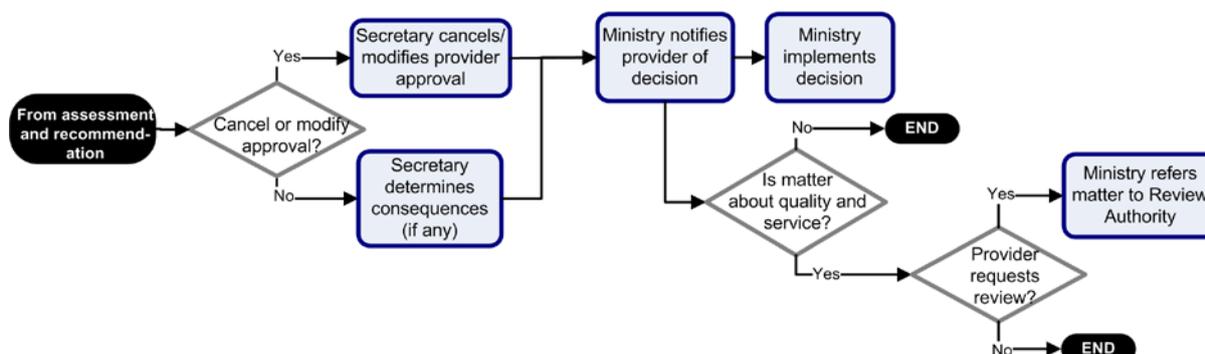
When considering a cancellation matter, the Performance Review Committee and/or the Secretary assess all available information that relates to the matter, including the following:

- information on the provider file and Ministry submissions
- information on the Complaints Register
- information on the legal aid grants files
- all correspondence in respect of the matter
- any relevant audits
- any information from the New Zealand Law Society, and
- any written submission from the provider.

Decision and Notification

Diagram

The diagram below illustrates the third stage of the cancellation process, decision and notification.



Secretary's Decision

The Secretary decides whether the grounds for cancellation are met, taking into consideration all the available information and, where a matter has been referred to the Performance Review Committee, any recommendation from the Performance Review Committee.

Cancellation

The Secretary must cancel a provider's approvals where the Secretary determines that the requirements for cancellation under section 103(1)(a) – (f) are met.

The Secretary may cancel a provider's approvals following advice from the Performance Review Committee.

Reference: Section 103(1) and 102

Sanctions

Once the Secretary has assessed all of the information, the Secretary may decide to impose sanctions other than cancellation, including one or more of the following:

- modify a provider's approval by issuing conditions on their approval
- require the provider to be supervised by another provider approved by the Secretary, or
- bar a person from applying for approval to provide legal aid services or specified legal aid services for a period of between three months and two years.

Reference: Section 102(1)

Continued on next page

Decision and Notification, Continued

No further action

Where the Secretary determines that the requirements for cancellation have not been met and decides to apply no other sanctions, the Secretary may decide to take no further action about a cancellation matter. The matter is then closed.

Reference: Section 102(2) and 103

Notification

The Ministry notifies the provider in writing of the Secretary's decision and the grounds and reasons for the decision.

If the provider's approval is cancelled, the notification also includes the following:

- a statement about the provider's right to seek a review
- notification of the Ministry's intention to publish cancelled approvals on its website
- a statement informing the provider that the New Zealand Law Society will be informed of the cancellation and its reasons
- the effective date of the cancellation, and
- information about the effects of the cancellation (for example, removal from rosters, reassignment of files, etc.).

Reference: Section 103(3) and (4)

Chapter 4 – Effects of Secretary’s Decision to Cancel Approvals

Overview

About this chapter

This chapter outlines:

- how the Ministry implements cancellation decisions
 - the obligations of providers during the implementation of cancellations
 - what records are kept, and
 - what information is published about cancellations.
-

In this chapter

This chapter contains the following topics:

Topic	See Page
Implementation of Cancellation Decision	4-2
Documentation, Filing and Reporting	4-4

Implementation of Cancellation Decision

Date of cancellation

The date when a cancellation becomes effective is determined by the Ministry, taking into account the following:

- the number of open legal files assigned to the provider
 - the stage of any impending client hearings, and the practicality of new counsel being briefed
 - that sufficient time is given to providers to attend to their affairs
 - the impact of reassignment on the legal aid clients or the relevant Grants office, and
 - any other relevant matters.
-

Obligations of cancelled providers

A cancelled provider is required to:

- advise the Ministry of any files with securities requiring registration that have yet to be registered
 - cooperate to enable a smooth transfer of legal aid files
 - forward any client repayments or proceeds outstanding to the Ministry, and
 - stop providing services for legal aid clients, including not undertaking any roles on a duty solicitor roster.
-

Removal from database and rosters

The Ministry removes the provider's approval from its provider database from the date the cancellation is effective.

The provider will also be removed from the following, as applicable:

- duty solicitor roster
 - criminal proceedings category 1 and 2 assignment list, and
 - Police detention legal assistance roster.
-

Transfer of files

The Commissioner arranges for the transfer of legal aid files affected by cancelled approvals to another provider. Legal aid clients are advised of this transfer by letter.

Contract termination

The Ministry terminates the provider's Legal Aid contract for services and any other contracts the provider may have with the Ministry.

Continued on next page

Implementation of Cancellation Decision, Continued

Payment after cancellation

The Ministry is not obliged to pay for services after cancelling a provider's approval.

In some cases, a provider may continue to work on legal aid files up to the effective date of a cancellation.

NZLS notification

The Ministry advises the New Zealand Law Society (NZLS) of the cancellation of a provider's approval, and of the reasons for it.

Note: This notification does not occur in the case of administrative cancellations, or if the cancellation was due to the provider being subject to disciplinary proceedings by the New Zealand Law Society.

Publication of cancellations

The Ministry publishes information about quality and service cancellations under section 103(1)(a),(b),(c), and (e) on its website. This information includes the following:

- name and location of provider whose approval is cancelled
- approvals that have been cancelled, and
- statutory grounds for the cancellation.

Information about administrative cancellations is not published, but the Ministry updates the list of legal aid providers on its website.

Privacy considerations

The Ministry considers that the public interest in the release of information about cancellations outweighs any privacy interests.

Reference:

- Privacy Act 1993, section 7(2) and Information Privacy Principle 11
 - Official Information Act 1982, section 9(2)(a)
-

Documentation, Filing and Reporting

Analysis, reporting and auditing

The Ministry updates its internal records with information about cancellations and dates of actions taken for analysis, reporting and auditing purposes.

Provider file

A copy of all the information relating to a cancellation is kept on the provider's file. Such information includes:

- all correspondence
 - recommendations
 - submissions
 - file notes
 - decisions, and
 - records of actions taken.
-

Reporting

The Manager Provider Services reports decisions relating to quality and service cancellations monthly.

Publication

The Ministry may publish reports and trend analyses about cancellations on its website in an anonymous format.

Chapter 5 – Review of Secretary’s Decision to Cancel Approvals

Review of Cancellation Decisions

Introduction

This chapter outlines:

- the providers right to seek a review of a decision
 - the scope of any review, and
 - where a provider can find further information.
-

Application to Review Authority

A provider whose approval has been cancelled or modified can apply to the Review Authority for a review of the decision.

The Review Authority can only review a decision on the application of the person to whom the decision applies.

Legislative basis

The table below shows the relevant legislative provisions that govern the Review Authority’s purpose and function.

Legal Services Act 2011	
Section	Title
82	Review of decisions of Secretary regarding approvals
83	Judicial review
84	Review Authority established
85	Function of Review Authority
86	Decisions of Review Authority
Legal Services Act (Quality Assurance) Regulations 2011	
Regulation	Title
26	Application for review
27	Conduct of review
28	Decision on review
29	Withdrawal of application for review

Continued on next page

Review of Cancellation Decisions, Continued

Function of Review Authority

The Review Authority's function is to review decisions of the Secretary about provider approvals. The Authority can confirm, modify or reverse decisions of the Secretary.

Reference: Sections 82(1)(c) – (e) and 85

Decisions of Review Authority

The Review Authority can confirm, modify or reverse decisions of the Secretary.

The Review Authority's decision is binding on the Secretary and the person to whom the decision applies.

Reference: Section 86

Timeframe for applying for a review

An application for review must be lodged with the Review Authority within 20 working days from the date of notice of the Secretary's decision.

Note: In exceptional circumstances the Review Authority may accept late applications up to three months after the date of notice.

Reference: Section 82(2)

Form of application

An application to the Review Authority must be:

- in the form approved by the Secretary
- accompanied by any document required to be attached, and
- filed with the Review Authority in the specified manner.

Reference: Regulation 26

Withdrawing an application

A person may withdraw an application lodged with the Review Authority at any time by giving written notice to the Review Authority.

Reference: Regulation 29

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Review of Cancellation Decisions, Continued

Reassignment of legal aid files

The Commissioner does not transfer back legal aid files that were reassigned to another provider as a result of the Secretary's decision to cancel a provider's approvals or apply an interim restriction.

Judicial review

A person can only seek a judicial review of a decision to cancel his or her provider approval after the decision has been reviewed by the Review Authority.

Reference: Section 83

Appendix – Glossary

Glossary of Terms

Act	Means the Legal Services Act 2011.
Cancellation	Where, under section 103 of the Act, one or more of an approved provider's listing approvals are cancelled, the provider is no longer approved to provide those legal services.
Commissioner	Means the Legal Services Commissioner appointed under section 70 of the Act.
Compliance	There is sufficient and appropriate evidence to demonstrate a particular requirement has been complied with.
Contract for services ('contract')	The agreement between the Ministry and an approved provider to supply professional legal services entered into under section 69 of the Act.
Legal aid services	Means legal advice and representation in relation to legal aid described in the definition of legal services.
Legal Services	<p>In relation to legal aid (or specified legal services) means legal advice and representation and includes assistance with:</p> <ul style="list-style-type: none">• resolving disputes other than by legal proceedings• taking steps that are preliminary or incidental to any proceedings, or• arriving at or giving effect to any out-of-court settlement that avoids or brings to an end any proceedings. <p>In relation to anything other than legal aid, it includes:</p> <ul style="list-style-type: none">• legal advice, representation and assistance (as above), and• the provision of legal information and law-related education.
Ministry	Means Ministry of Justice.
Ministry staff	A person employed by the Ministry under an employment agreement.
Non-compliance	There is sufficient and appropriate evidence to demonstrate a particular requirement has not been complied with.

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Glossary of Terms, Continued

Obligations	A provider's obligations as outlined in the Act and regulations, the contract (including practice standards), professional obligations and any relevant policies and procedures.
Performance Review Committee	Means the Performance Review Committee (PRC) established under section 79 of the Act.
Review Authority	Means the Review Authority established under section 84 of the Act.
Secretary	Means the Secretary for Justice.
Specified Legal Services	Means the legal services specified by the Secretary (see legal services), for example, Duty Solicitor or Police Detention Legal Assistance.
