

Our Ref.: SC 101/15/37

**Memorandum of Understanding
in respect of
Hearing of Legal Aid Appeals**

1. Legal practitioners should as soon as possible when instruction is confirmed to appear on behalf of an Applicant in a legal aid appeal from the Director's decision notify the Court Registry and the Director's handling officer (whose name appears on the Notice of Refusal or the Reasons for Refusal) that he is appearing for the Applicant.
2. The practitioner should liaise with the handling officer and discuss about the issues to be decided and the estimated length of time for hearing so that the handling officer can make the necessary arrangement with the court. If it has been fixed for a 20-minute slot and the time allocated is considered not sufficient, either party can apply to adjourn the hearing and to fix another date in consultation with counsel diaries.
3. The Reasons for Refusal and the Supplementary Reasons, if any, already given by the Director are to be treated as skeleton argument for the Director unless the handling officer decides otherwise.
4. (a) If the hearing is listed for a hearing of more than two hours, subject to the Registrar's direction the Applicant shall at least 48 hours before the hearing serve on the handling officer and the Master his skeleton argument together with copies of all relevant documents and authorities in support.

4. (b) At least 24 hours before the hearing the handling officer shall, if he considers it necessary, serve on the Applicant and the Master his Supplementary Reasons for Refusal or skeleton argument in reply.
5. If the case has been fixed for a 20-minute slot, the Master shall have an absolute discretion to decide whether there is sufficient time for hearing. If an adjournment is necessary, the case will be adjourned to a date to be fixed in consultation with counsel diaries.
6. Whether a case is urgent depends upon its circumstances; parties should come to agreement on that issue. If both parties are unable to reach an agreement, either party may make an ex parte appointment with the Practice Master or the Registrar to decide whether the case is urgent. His decision is final. If it is an urgent application, the court will try to find the earliest possible time for hearing either before a master or a judge.
7. It is expected that the handling officer will appear at the substantive hearing in cases where the Applicant is legally represented. The term "handling officer" means the officer who has processed the Applicant's application and has issued the Notice of Refusal or any officer who acts in his place and has familiarized himself with the case and its papers.

Registrar, High Court
August 2003