**2. Report of the Portfolio Committee on Justice and Correctional Services on Draft Regulations made in terms of section 23(1) of the Legal Aid South Africa Act, 2014 (Act No.39 of 2014), dated 10 May 2017:**

The Portfolio Committee on Justice and Correctional Services, having considered the Draft Regulations, recommends that the National Assembly approves the Regulations. The Committee further reports as follows:

1. The Regulations are made in terms of section 23(1) and (2) of the Legal Aid South Africa Act, 2014 (the Act), which came into operation on 1 March 2015. The Draft Regulations were referred to the Committee for consideration and report on 3 May 2017.
2. The Regulations replace the Legal Aid Guide, which was issued by Legal Aid South Africa under the repealed Legal Aid Act, 1969. As a transitional arrangement, the new Act provides that the existing Legal Aid Guide will remain in force until it was withdrawn and replaced by regulations and the Legal Aid Manual made in terms of the new Act. The Regulations should have been published within a period of 24 months after the Act commenced but the deadline was not met, as the process and procedures required to prepare and finalise the Regulations took much longer than is usually the case. The Committee is informed that the Department and Legal Aid South Africa sought a legal opinion from senior counsel, which concluded that the existing Legal Aid Guide would remain in force beyond the 28 February 2017 until such time as the new Regulations and Manual are made and published. However, Legal Aid South Africa should take all reasonable steps to ensure that the new Regulations and Manual come into force as soon as possible on approval by Parliament.
3. The Regulations are intended to provide the detail on policy matters relating to the provision of legal aid. In this regard, the Committee notes that the threshold that is applied to determine whether a person qualifies in terms of the means test has not been revised for some time and urges the Minister to look into this.

**Report to be considered.**