



Tuvalu

PEOPLE'S LAWYER ACT

2008 Revised Edition

CAP. 7.52



Tuvalu

PEOPLE'S LAWYER ACT

AN ACT TO CONTINUE AND ESTABLISH THE OFFICE OF PEOPLE'S LAWYER; AND FOR CONNECTED PURPOSES¹

Commencement [15th December 1988]

1 Short title

This Act may be cited as the People's Lawyer Act.

2 Establishment of People's Lawyer

There shall continue to be one or more public offices of People's Lawyer.

3 Functions of People's Lawyer

- (1) The function of a People's Lawyer is to give, in Tuvalu, legal advice and representation in accordance with this Act or regulations made under this Act.
- (2) A People's Lawyer shall carry out his or her functions with due regard to Tuvaluan practice, customs and traditions.
- (3) Without limiting the generality of subsection (1) —
 - (a) a person charged with a criminal offence may consult a People's Lawyer, who if he or she decides that the case merits representation by him or her, shall represent that person;
 - (b) a citizen of Tuvalu or a Tuvaluan business may seek advice from and representation by a People's Lawyer —
 - (i) in civil litigation by or against the Government, local government council or a statutory corporation;
 - (ii) in civil litigation by or against another person (whether in Tuvalu or overseas) who is or will be represented by a Lawyer;

- (c) in civil litigation between 2 persons not referred to in paragraph (b), a People's Lawyer may advise each person (even if he or she has already advised another person in the litigation) with the aim of reaching a compromise settlement or amicable conclusion if this is possible, or, if not, with the aim of defining the legal issues between the litigants; and may attend court to assist the court without representing either litigant;
- (d) a People's Lawyer may give legal advice to any person where litigation is not involved, including giving opinions, drafting, conveyancing, compensation claims prior to litigation, commercial matters, divorces, separations and family matters:
Provided that if the matter is contentious a People's Lawyer may advise each person involved (even if he or she has already advised another person about the matter) with the aim of reaching a compromise settlement or amicable conclusion;
- (e) a People's Lawyer may give advice on legal matters concerning the business of Parliament raised with him or her by Members of Parliament.

4 Independence of People's Lawyer

In the exercise of the functions conferred on him or her by or under this Act a People's Lawyer is not subject to the direction or control of any other person or authority except —

- (a) as provided in section 5;
- (b) in accordance with the law;
- (c) in matters of professional conduct in accordance with Rules of Court; or
- (d) in administrative matters relating to public officers in accordance with the appropriate General Administrative Orders and other rules and conditions regulating the conduct of public officers.

5 Application to High Court

- (1) A person aggrieved by a refusal of a People's Lawyer to provide legal advice or representation to or for him or her may apply to the High Court for a direction by the High Court to the People's Lawyer to do so.
- (2) No such application may be made except with the consent of the Senior Magistrate who requires to be satisfied that the application is not frivolous, vexatious or unreasonable having regard to the public interest.

6 Appointment and removal etc.

- (1) A People's Lawyer shall be appointed by the Governor-General on the advice of the Public Service Commission.
- (2) In terms of section 161(1) of the Constitution, Division 5 (removal etc of certain officials) of Part VIII (public employment) of the Constitution applies to the removal or suspension of a holder of the office of People's Lawyer.

7 Regulations

The Minister may make regulations for the better carrying out of the purposes of this Act, including, without limiting this generality —

- (a) specifying further functions or making further provisions relating to the functions of a People's Lawyer; and
- (b) providing for the charging of fees by a People's Lawyer (subject to no Tuvaluan person being deprived of legal advice or representation for inability to pay fees).

ENDNOTES

¹ 1990 Revised Edition, Cap. 3A – Act 8 of 1988