



# Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988

1988 No. 1

## PART I

### LEGAL AID

#### 4 Rules.

- (1) The Standing Committee of the General Synod may make such rules as it considers necessary or desirable for giving effect to, or for preventing abuses of, this Part of this Measure, and rules made under this subsection may in particular—
  - (a) make provision as to the procedure to be observed in relation to an application for legal aid;
  - (b) make provision as to the information to be furnished by any person applying for or receiving legal aid and as to the provision of information by any solicitor or counsel acting for any such person;
  - (c) make provision for the circumstances in which the Legal Aid Commission may amend, revoke or discharge a certificate issued by the Commission and as to the effect of such amendment, revocation or discharge;
  - (d) make provision for regulating the procedure in proceedings in respect of which legal aid is granted and in particular make provision—
    - (i) as to the taxation of costs in respect of which legal aid is granted, including any such costs incurred in connection with proceedings not actually begun;
    - (ii) as to the assessment of those costs, without taxation, by such person as may be specified in the rules, but with a view to allowing as nearly as may be the same amount as on taxation;
    - (iii) as to the cases in which and the extent to which a person to whom legal aid is granted may be required to give security for costs, and the manner in which it may be given;

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*Status: This is the original version (as it was originally enacted).*

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- (e) make provision for the enforcement for the benefit of the Legal Aid Fund of any order or agreement for costs made in favour of a person to whom legal aid is granted.
- (2) The Standing Committee of the General Synod may by rules vary the provisions of Schedule 1 to this Measure so as to add to or exclude from the proceedings therein mentioned any proceedings specified in the rules (being proceedings under a provision of a Measure of the General Synod or of rules or regulations made under such a Measure), and any such rules may make any consequential changes in the second column of that Schedule; except that the provisions of that Schedule shall not be varied so as to enable legal aid to be granted in connection with proceedings before any court or tribunal before which persons have no right, and are not normally allowed, to be heard by counsel or solicitor.
- (3) Any rules made under subsection (1) above may make different provision in relation to different proceedings.
- (4) Any rules made under this section shall be laid before the General Synod and shall not come into force until they have been approved by the General Synod, whether with or without amendment.
- (5) Where the Standing Committee determines that rules made under this section do not need to be debated by the General Synod then, unless—
- (a) notice is given by a member of the General Synod in accordance with its Standing Orders that he wishes the rules to be debated, or
  - (b) notice is so given by any such member that he wishes to move an amendment to the rules and at least twenty-five other members of the Synod indicate when the amendment is called that they wish the amendment to be moved,
- the rules shall for the purposes of subsection (4) above be deemed to have been approved by the General Synod without amendment.
- (6) The Statutory Instruments Act 1946 shall apply to any rules approved by the General Synod under this section as if they were a statutory instrument and as if this Measure were an Act providing that any such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.