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SCHEDULES

SCHEDULE 5

Section 45.

MINOR AND CONSEQUENTIAL AMENDMENTS

Public Records Act 1958 (c. 51)

- 1 In Schedule 1 to the Public Records Act 1958 (definition of public records), there shall be inserted at the end of Part I of the Table at the end of paragraph 3 the following entry—

“Lord Chancellor’s Department. Legal Aid Board.”

Parliamentary Commissioner Act 1967 (c. 13)

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (which lists the bodies subject to the jurisdiction of the Parliamentary Commissioner), there shall be inserted (at the appropriate place in alphabetical order) the following entry—

“Legal Aid Board.”

Attachment of Earnings Act 1971 (c. 32)

- 3 In section 25(1) of the Attachment of Earnings Act 1971, for the words “section 7 or 8(2) of the Legal Aid Act 1982 ” there shall be substituted the words “section 23 of the Legal Aid Act 1988 ”.

House of Commons Disqualification Act 1975 (c. 24)

- 4 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices), there shall be inserted (at the appropriate places in alphabetical order) the following entries—

“Chairman of the Legal Aid Board.”

“Member of the Legal Aid Board.”

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Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 5 In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices), there shall be inserted (at the appropriate places in alphabetical order) the following entries—

“Chairman of the Legal Aid Board.”

“Member of the Legal Aid Board.”

Sex Discrimination Act 1975 (c. 65)

- 6 In section 75(4) of the Sex Discrimination Act 1975—
- (a) for the words “Legal Aid Act 1974 ” there shall be substituted the words “Legal Aid Act 1988 ”; and
 - (b) for the words “any of those Acts for payment of any sum into the legal aid fund ” there shall be substituted the words “either of those Acts for payment of any sum to the Legal Aid Board or into the Scottish Legal Aid Fund ”.

Race Relations Act 1976 (c. 74)

- 7 In section 66(6) of the Race Relations Act 1976—
- (a) for the words “Legal Aid Act 1974 ” there shall be substituted the words “Legal Aid Act 1988 ”; and
 - (b) for the words “any of those Acts for payment of any sum into the legal aid fund ” there shall be substituted the words “either of those Acts for payment of any sum to the Legal Aid Board or into the Scottish Legal Aid Fund ”.

Child Care Act 1980 (c. 5)

- 8 In section 21A of the Child Care Act 1980, after subsection (8), there shall be inserted the following subsection—
- “(9) In this section “legal aid ” means representation for the purposes of care proceedings under Part VI of the Legal Aid Act 1988.”

Magistrates’ Courts Act 1980 (c. 43)

- 9 In section 92(1)(b) of the Magistrates’ Courts Act 1980, for the words “section 7 or 8(2) of the Legal Aid Act 1982 ” there shall be substituted the words “section 23 of the Legal Aid Act 1988 ”.

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Supreme Court Act 1981 (c. 54)

- 10 In section 47(7) of the Supreme Court Act 1981, for the words “legal aid contribution order made under section 7 or 8(2) of the Legal Aid Act 1982 ” there shall be substituted the words “contribution order made under section 23 of the Legal Aid Act 1988 ”.

Telecommunications Act 1984 (c. 12)

- 11 In section 52 of the Telecommunications Act 1984, the following subsection shall be substituted for subsection (5)—

“(5) A charge conferred by subsection (4) above is subject to—

- (a) any charge under the Legal Aid Act 1988 and any provision of that Act for payment of any sum to the Legal Aid Board;
- (b) any charge or obligation for payment in priority to other debts under the Legal Aid (Scotland) Act 1986 and any provision of that Act for payment of any sum into the Scottish Legal Aid Fund; or
- (c) any charge under the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 and any provision of that Order for payment of any sum into the legal aid fund.”

Prosecution of Offences Act 1985 (c. 23)

- 12 In section 19(2)(b) of the Prosecution of Offences Act 1985, the words “(including any legal aid order) ” shall be omitted and at the end of that paragraph there shall be inserted the words “or any grant of representation for the purposes of the proceedings which has been made under the Legal Aid Act 1988. ”

- 13 In section 20(2) of that Act, for the words “out of the legal aid fund or ” there shall be substituted the words “by the Legal Aid Board or out of ”.

- 14 In section 21(1) of that Act, for the definition of “legally assisted person ” there shall be substituted the following—

““legally assisted person ”, in relation to any proceedings, means a person to whom representation under the Legal Aid Act 1988 has been granted for the purposes of the proceedings;”.

- 15 In section 21 of that Act, after subsection (4), there shall be inserted the following subsection—

“(4A) Where one party to any proceedings is a legally assisted person then—

- (a) for the purposes of sections 16 and 17 of this Act, his costs shall be taken not to include either the expenses incurred on his behalf by the Legal Aid Board or the Lord Chancellor or, if he is liable to make a contribution under section 23 of the Legal Aid Act 1988, any sum paid or payable by way of contribution; and
- (b) for the purposes of sections 18 and 19 of this Act, his costs shall be taken to include the expenses incurred on his behalf by the Legal Aid

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Board or the Lord Chancellor (without any deduction on account of any contribution paid or payable under section 23 of the Legal Aid Act 1988) but, if he is liable to make such a contribution his costs shall be taken not to include any sum paid or payable by way of contribution.”

Child Abduction and Custody Act 1985 (c. 60)

- 16 In section 11 of the Child Abduction and Custody Act 1985, for the words “Part I of the Legal Aid Act 1974 ” there shall be substituted the words “Part III or IV of the Legal Aid Act 1988 ”.

Administration of Justice Act 1985 (c. 61)

- 17 In section 40 of the Administration of Justice Act 1985 (preliminary provisions concerning legal aid complaints), for the words from the beginning of paragraph (a) to the end there shall be substituted the words “the provision for any person of services under the Legal Aid Act 1988 including, in the case of a solicitor, provision for any person of such services in the capacity of agent for that person’s solicitor. ”

- 18 In section 43 of that Act (jurisdiction and powers of Solicitors Disciplinary Tribunal in relation to complaints against solicitors)—

(a) in subsection (3), for paragraphs (a), (b) and (c) there shall be substituted the following—

“(a) otherwise payable under or in accordance with the Legal Aid Act 1988, or

(b) otherwise chargeable in respect of advice or assistance made available under Part III of that Act;”and

(b) in subsection (4), for paragraphs (a) and (b) there shall be substituted the words “any of sections 9, 11, 15(6) and (7) and 25(2) of, or any provision made under, the Legal Aid Act 1988 ”.

- 19 In section 44 of that Act—

(a) in subsection (3), in the inserted subsection (2A), for the words from the beginning of paragraph (a) to the end there shall be substituted the words—

“(a) his conduct, including conduct in the capacity of agent for another solicitor, in connection with the provision for any person of services under the Legal Aid Act 1988; or

(b) his professional conduct generally.”; and

(b) in subsection (4), in the inserted subsection (6), for the words from “each ” to the end there shall be substituted the words “those who may be selected or assigned for the purpose of providing for any person services under the Legal Aid Act 1988. ”

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Housing Act 1985 (c. 68)

- 20 In section 170(5) of the Housing Act 1985—
- (a) for the words “Legal Aid Act 1974 ” there shall be substituted the words “Legal Aid Act 1988 ”; and
 - (b) for the words “into the legal aid fund ” there shall be substituted the words “to the Legal Aid Board ”.

Family Law Act 1986 (c. 55)

- 21 Section 64 of the Family Law Act 1986 (family proceedings rules) shall cease to have effect.

Criminal Justice Act 1987 (c. 38)

- 22 In section 4(1) of the Criminal Justice Act 1987, for the words “section 28(7A) of the Legal Aid Act 1974 ” there shall be substituted the words “section 20(4) of the Legal Aid Act 1988 ”.

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