

Status: Point in time view as at 01/10/2007.

Changes to legislation: Legal Aid Act 1988, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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)

- F12

Textual Amendments

- F1** Sch. 5 para. 2 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

Attachment of Earnings Act 1971 (c. 32)

- F23

Textual Amendments

- F2** Sch. 5 para. 3 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 3(b) (with transitional provisions and savings in Sch. 2 paras. 2, 5)

House of Commons Disqualification Act 1975 (c. 24)

- F34

Textual Amendments

- F3** Sch. 5 para. 4 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- F45

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Textual Amendments

F4 Sch. 5 para. 5 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

Sex Discrimination Act 1975 (c. 65)

6 ^{F5}

Textual Amendments

F5 Sch. 5 para. 6 repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 91, 93, **Sch. 4** (with s. 92); S.I. 2007/2603, art. 2 (subject to art. 3)

Race Relations Act 1976 (c. 74)

7 ^{F6}

Textual Amendments

F6 Sch. 5 para. 7 repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 91, 93, **Sch. 4** (with s. 92); S.I. 2007/2603, art. 2 (subject to art. 3)

Child Care Act 1980 (c. 5)

^{F78}

Textual Amendments

F7 Sch. 5 para. 8 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 para. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

Magistrates' Courts Act 1980 (c. 43)

^{F89}

Textual Amendments

F8 Sch. 5 para. 9 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 3(b) (with transitional provisions and savings in Sch. 2 paras. 2, 5)

Supreme Court Act 1981 (c. 54)

^{F910}

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Textual Amendments

- F9** Sch. 5 para. 10 repealed (2.4.2001) by 1999 c.22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 paras. 2, 5)

Telecommunications Act 1984 (c. 12)

11

[^{F10}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.”]

Textual Amendments

- F10** Sch. 5 para. 11 repealed (25.7.2003 for certain purposes and 29.12.2003 for certain purposes) by Communications Act 2003 (c. 21), ss. 406, 411(2)(3), **Sch. 19(1)** (with Sch. 18); S.I. 2003/1900, **art. 2(1)**, Sch. 1 (with arts. 3-6); S.I. 2003/3142, **art. 3(2)** (with art. 11)

Prosecution of Offences Act 1985 (c. 23)

^{F11}12

Textual Amendments

- F11** Sch. 5 para. 12 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 paras. 2, 5)

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

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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 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)

^{F12}16

Textual Amendments

F12 Sch. 5 para. 16 repealed (1.4.2000) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), Sch. (with transitional provisions in arts. 3-5)

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. ”

[^{F13}18]

Textual Amendments

F13 Sch. 5 para. 18 repealed (1.4.2000) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), Sch. (with transitional provisions in arts. 3-5)

- 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.”;

^{F14}

^{F14}(b)

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Textual Amendments

- F14** Sch. 5 para. 19(b) and the word “and” immediately preceding repealed (2.4.2001) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 3(b) (with transitional provisions and savings in Sch. 2 paras. 2, 5)

Housing Act 1985 (c. 68)

F1520

Textual Amendments

- F15** Sch. 5 para. 20 repealed (1.4.2000) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), Sch. (with transitional provisions in arts. 3-5)

Family Law Act 1986 (c. 55)

F1621

Textual Amendments

- F16** Sch. 5 para. 21 repealed (1.4.2000) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), Sch. (with transitional provisions in arts. 3-5)

Criminal Justice Act 1987 (c. 38)

F1722

Textual Amendments

- F17** Sch. 5 para. 22 repealed (2.4.2001) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 3(b) (with transitional provisions and savings in Sch. 2 paras. 2, 5)

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