

SCHEDULES

SCHEDULE 8

Section 46.

TRANSITORY AMENDMENTS OF LEGAL AID ACT 1974

Preliminary

- 1 In this Schedule “the 1974 Act” means the Legal Aid Act 1974.

Regulation of charges on property

- 2 In section 20(2)(e) of the 1974 Act (regulation of charge on property)—
- (a) after the words “receiving advice or assistance or legal aid” there shall be inserted the words “and regulating the release or postponement of the enforcement of any charge (however created) for the benefit of the legal aid fund”; and
 - (b) at the end there shall be inserted the words “; and
 - (iii) requiring interest to be charged at a prescribed rate in circumstances where enforcement of a charge for the benefit of the legal aid fund is postponed”.

Remuneration

- 3 In section 39 of the 1974 Act, for subsection (3) (fair remuneration in criminal and certain other legal aid cases) there shall be substituted the following—
- “(3) The Lord Chancellor, in making regulations under this section as to the amounts payable to counsel or solicitors undertaking any description of legal aid work under this Part of this Act, shall have regard, among the matters which are relevant, to—
- (a) the time and skill which it requires;
 - (b) the general level of fee income arising from it;
 - (c) the general level of expenses of barristers and solicitors which is attributable to it;
 - (d) the number and general level of competence of barristers and solicitors undertaking it;
 - (e) the effect of the regulations on the handling of the work; and
 - (f) the cost to public funds of any provision made by the regulations.”.

4 (1) In Schedule 2 to the 1974 Act (remuneration in civil legal aid cases)—

 - (a) in paragraph 1(1), for the words “95 per cent. of the” there shall be substituted the words “the full”; and
 - (b) in paragraph 2(1), for the words “95 per cent. of the” there shall be substituted the words “the full”.

Status: This is the original version (as it was originally enacted).

- (2) The amendments made by this paragraph have effect in relation to any case in which the order or direction for taxation is made on or after the date on which this Act is passed.