

## SCHEDULES

### SCHEDULE 4

#### RECOVERY OF SUMS EQUIVALENT TO BENEFIT FROM COMPENSATION PAYMENTS IN RESPECT OF ACCIDENTS ETC: SUPPLEMENTARY PROVISION

#### PART II

#### PAYMENTS, DEDUCTIONS AND CERTIFICATES

##### *Protection of legal aid charges*

- 9 (1) In any case where—
- (a) the compensation payment is subject to any charge under the Legal Aid Act 1974 or the Legal Aid Act 1988, and
  - (b) after the making of the relevant deduction, the balance of the compensation payment is insufficient to satisfy that charge,
- the Secretary of State shall make such a payment as will secure that the deficiency is made good to the extent of the relevant payment.
- (2) Where the Secretary of State makes a payment under this paragraph, then, for the purposes of paragraph 3 above, the amount of the payment shall be treated as increasing the total benefit.
- (3) In the application of this paragraph to Scotland, references in sub-paragraph (1) to a charge under the Acts specified shall be construed as references to any provisions of the Legal Aid (Scotland) Act 1986 for the repayment to the Scottish Legal Aid Fund of sums paid by it on behalf of the intended recipient in respect of the proceedings in which the compensation payment is made.